

February 12, 2007

The Common Council met as the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Curtis, and Cooper attending. Councilman Rueger was not present. Others attending were Supt. Gray; Attorney Funkhouser; Attorney Higgins; Chief Beloit; Comm. Epison; Acting Fire Chief Reese; Megan Stock - MAI; Paula Rudibaugh; Larry Williams; Judy Whitten; Tim Hermes - SITCO; Ed Adams; Firefighter Pat Moore; Asst. Fire Chief Harms; Mike Zeller; Tiffani Eisenhut - Mount Vernon Democrat; and arriving during the meeting, Mr. Hawah - Green Valley Apartments.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Board member Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Board should approach the podium and state their name and the nature of their business.

Mayor Knowles requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Water Works Revenue \$203,822.40

Water Operating & Maintenance 83,205.27

1997 Ref Rev Bond & Interest 1,850.00

Water Works Improvement 6,008.00

Water Consumer Meter Deposit 613.00

Mayor Knowles stated they will now hear the report of the Water Superintendent.

Comm. Gray stated he would like to praise his crew. They worked an hour and a half in eleven degree temperatures to fix leaks around town. He added it is a tough job, they have worked very hard, and have done an excellent job.

Mayor Knowles agreed and added she really appreciates their efforts. She then asked if there were any questions ?

There were none.

Mayor Knowles stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the Agenda is consideration and approval of IDEM amended Agreed Order.

Attorney Higgins stated the Board has copies of the amended order. She explained that in the fall, the Board received copies of a proposed agreed order and at that time, the Board also requested that some of the language be changed.

Supt. Gray stated the order was requiring a certified operator to be on the clock twenty-four hours a day, seven days a week.

Attorney Higgins added the water department had never done this before, though a certified operator was always available. She stated the Board requested leeway on the requirement in cases of sickness, terminations, etc. She added the way the order had been written, the city would have been in violation in these cases. She then stated the language has now been added in reference to that requirement, in this new revised agreed order. She also stated Supt. Gray has looked it over, though it will still not be easy to comply with.

Board member Curtis added the agreement seems to be pretty open and the city dose have a decent out.

Supt. Gray added he can live with the agreement, it is only for the next 12 months.

Board member Curtis moved the Board accept the agreed order as written and authorized Board member Cooper to sign said order. Seconded by Board member Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Attorney Higgins added she will forward the signed order to IDEM.

Mayor Knowles stated in the Audience is Ms. Stock from MAI with a short presentation. Ms. Stock stated she is present to give the Board a brief presentation on the filter project and request additional funds. She then stated the filters have been ordered and will be delivered soon. She continued by stating MAI received no information from the previous engineering firm on the capacity of the piers, so MAI now has to determine that capacity. She added they may not be useable anyway, and the new location they are proposing would allow for future expansion and less interruption of work being done at the plant.

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Ms. Stock stated she has contacted SRF and it may be possible for additional funds for this project, though it is quite a process and will involve many questions.

Board member Cooper stated it is hard to believe that there is no information available from the previous engineering firm, he thought that was part of the settlement. He then stated the additional work may be needed where KROFTA 1 sits now, though there is no way to tell if this location will work. He added they would be better off to use the garage area and leave the KROFTAs in and running. He then asked Supt. Gray how he felt about the situation ?

Supt. Gray replied it is a chunk of change, no question, dramatically more than they had anticipated. He did state however, that he felt it would be money well spent. He added KROFTA 1 will need to be out of service though they will be funneling the backwash through it, the work on which they can do themselves. He stated he feels they are committed at this point.

Board member Curtis agreed and asked Supt. Gray what other option there is ? He added if there is to be a tear down and then testing, that is expensive.

Supt. Gray asked how much soil testing would cost ?

Ms. Stock replied at least \$20,000.00 and they would probably have to add piles as well.

Mayor Knowles asked if there was any further discussion or how they wished to proceed?

Board member Cooper stated they need to go forward and approve the project and see if SRF can fund this additional \$287,000.

Attorney Higgins stated she has worked with SRF before, though the engineer usually makes contact with them, then the original agreement with SRF will need to be amended.

Board member cooper asked if Attorney Higgins will work with MAI and SRF ?

Attorney Higgins replied sure, MAI needs to put together a preliminary bid package as well. Pending SRF approval of the project.

Board member Cooper moved MAI contact SRF about the additional funds needed, work with Attorney Higgins, and then report back to the Board as soon as possible. Seconded by Board member Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Board member Curtis asked how long it will take to get some information back to the Board ?

Ms. Stock replied she is hoping to get started soon, she will just go from there, she is really not sure. She added she will contact them tomorrow.

Board member Cooper stated if it is before the next meeting, she should let Supt. Gray know.

Ms. Stock then thanked the Board and left the meeting.

Mayor Knowles stated next on the Agenda is Tim Hermes with SITCO.

Mr. Hermes approached the podium and read the following, that he had given to the Board:

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He then stated he has been coming to this Board for months now and he would like decision tonight.

Attorney Higgins stated Mr. Weatherford's company also submitted information after the last meeting for the Board's consideration.

Board member Curtis asked if Mr. Hermes is just requesting use of the tower west of town ?

Mr. Hermes replied he thought they would split the towers up with the competition, though their primary concern is the west tower. He added of course they wanted both, but he understands the competition is interested in the Farmersville Tower.

Mr. Mike Zeller approached and stated he lives on Ford Road. He then stated there is a company here tonight willing to offer their product today. He asked that the Board not deny residents access. He then state the industry changes fast so why doesn't Mount Vernon allow SITCO to have both towers. He added Posey County residents need a choice.

Board member Tucker added there is quite a difference in payment to the city from both companies.

Mr. Zeller stated SITCO is willing to start a contract right away.

Board member Tucker added that is admirable. He then stated the Board needs to look though at what is good for the residents of the City of Mount Vernon. He added they need to be looking for money that is generated in different ways other than taxes.

Board member Curtis stated he does not know when the other company would be able to start, and Mr. Hermes did compromise. He added the Board needs to do something, and he feels they should go west of town with the company that is present tonight, and then check with Mr. Weatherford on the other tower. He then moved the Board give SITCO the rights, as stipulated in the agreement, to the tower west of town. Seconded by Board member Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Mayor Knowles questioned the Weatherford agreement for a compensation amount to the City, she did not remember seeing it.

Board member Tucker cited the section of the agreement where that was listed.

Mr. Zeller and Mr. Hermes left the meeting.

Mr. Hawah arrived at the meeting.

Mayor Knowles asked if there was Old Business ?

There was none.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated if there was no further business, she entertains a motion to adjourn.

Supt. Gray stated he has one more item that is not on the Agenda, a water adjustment.

Mr. Hawah approached the podium and stated he is the owner of Green Valley Apartments, each building of which houses 16 units. He stated the water bill per building usually runs \$300.00, and in December the billing was \$600.00 for one building, and he would ask for an adjustment of December.

Mayor Knowles stated she thought Supt. Gray already had given the adjustment but Mr. Hawah had paid the bill, so he needed to come before the Board for an adjustment.

Board member Cooper asked if there was paperwork ?

Supt. Gray replied yes, it was a legitimate leak and it has been fixed.

Board member Cooper moved the adjustment be permitted. Seconded by Board member Curtis.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Board member Cooper moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer

February 12, 2007

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Curtis, and Cooper attending. Councilman Rueger was not present. Others attending were Supt. Gray; Attorney Funkhouser; Attorney Higgins; Chief Beloit; Comm. Epison; Acting Fire Chief Reese; Megan Stock - MAI; Paula Rudibaugh; Larry Williams; Judy Whitten; Ed Adams; Firefighter Pat Moore; Asst. Fire Chief Harms; and Tiffani Eisenhut - Mount Vernon Democrat .

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name and the nature of their business.

Mayor Knowles stated they will now hear the reports of the Standing Committees.

Street/Light Chairman Rueger was no present.

Comm. Epison stated Monday, February 19 is a holiday and Tuesday the 20th will be a double trash day with Monday's trash also being picked up.

Mayor Knowles asked if there were any questions /

There were none.

Police & Dog Chairman Curtis stated he has no report.

Chief Beloit stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairwoman Askren stated she has no report.

Acting Fire Chief Reese stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Sewer Chairman Tucker stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles stated they have the Financial Report before then and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the Agenda is the first reading of the Ordinance Enacting and Adopting A Supplement to the Code of Ordinances for the City of Mount Vernon, Indiana and Declaring an Emergency.

Attorney Funkhouser added this is the same ordinance that is done every year to accept the supplement to the codification.

Mayor Knowles asked if there were any questions ?

There were none.

Councilman Cooper moved the ordinance pass first reading. Seconded by Councilman Curtis.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilwoman Askren moved the rules be suspended. Seconded by Councilman Curtis.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilwoman Askren moved the ordinance pass second and third readings. Seconded by Councilman Curtis.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 07-02.

Mayor Knowles stated the next item for consideration is the first reading of the Ordinance to Amend Schedule VI. Handicapped Parking of Chapter 75: Parking Schedules of the Mt. Vernon Code of Ordinances.

Mayor Knowles asked if there was any discussion ?

Councilman Cooper asked if this is taking the place of the handicapped space further north on Main, by where the County Clerk's office used to be ?

Attorney Higgins replied yes.

Mayor Knowles agreed and added she recalls that conversation as well.

Comm. Epison added this will do away with that space and move it the northwest corner of 3rd and Main. He then stated he will not be able to get it done until the weather breaks. In weather like this, the paint will not stick.

Clerk-Treasurer Wolfe stated she believes the ordinance creating the original parking space was only to be in effect until the County Clerk's office moved back into the Courthouse.

Attorney Funkhouser stated while this is in question, they could pass on only one reading tonight.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilwoman Askren.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the ordinance passed first reading unanimously.

Mayor Knowles stated the next item is possible first reading of Ordinance Creating Rules of Procedures and Related Matters Concerning the Common Council of the City of Mount Vernon, Indiana.

Attorney Higgins stated after the last meeting she contacted Clerk-Treasurer Wolfe for her feelings, as this ordinance does put the responsibility on her to get things out to the Council. She stated that Mrs. Wolfe acted as if there was no problem as long as the information to be included in council packets gets to her on time.

Mayor Knowles stated her concern is the section on canceling meetings. She questioned what happens in inclement weather, the case of a city emergency, etc ? She stated she feels the mayor should be able to cancel meetings.

Attorney Higgins stated that section addresses rescheduling of meetings due to Holidays, etc.

Councilman Curtis stated in an emergency, yes, a meeting should be canceled.

Attorney Funkhouser stated his main concern was that he was trying to look out for Clerk-Treasurer Wolfe, mainly.

Councilman Curtis moved the ordinance pass first reading as written, adding that the Mayor can cancel meetings if an emergency exists, without a council motion. Seconded by Councilwoman Askren.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Mayor Knowles stated next on the Agenda is a motion to authorize a Council member to execute the Morley Settlement Agreement.

Attorney Higgins stated the settlement was approved at the last meeting.

Councilman Curtis moved he be authorized to sign. Seconded by Councilman Cooper.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously and Councilman Curtis signed the agreement.

Mayor Knowles stated the final item on the Legal portion of the Agenda is a Resolution to Close-Out the Parking Meter Fund of the City of Mount Vernon, IN and Transfer Funds into the General Fund.

Councilwoman Askren moved the Resolution be approved. Seconded by councilman Cooper.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Curtis - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 07-03.

Mayor Knowles asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

Councilman Tucker questioned the status of the parking meters ? If they still had some, etc.

Mayor Knowles replied the gentleman that had been wanting to buy all of them is in the hospital, she will have to get back in touch with him.

Councilman Tucker asked how many had been sold ?

Mayor Knowles replied somewhere between six and ten. She added she was going to discuss this with the Board on Thursday.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Tucker stated he has no report.

3rd District Councilman Rueger was not present.

4th District Councilman Curtis stated he has no report.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated if there was no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer